

242

RESOLUTION NO. CZAB12-4-11

WHEREAS LA CARRETA RESTAURANT V, INC., applied for the following:

- (1) MODIFICATION of Condition #2 of Resolution 4-ZAB-82-83, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Kendall 117 Shopping Center,' as prepared by Robin Bosco, Architects & Planners, Inc., dated last revised 1-14-83; the floor plans are entitled 'Banana Boat,' as prepared by Consultants Collaborative, Inc., dated 1-19-83; the alcoholic beverage survey on file is entitled 'Special Purpose Survey,' as prepared by Schwebke-Shiskin & Associates, Inc., and dated 12-29-82."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Accessory Building Additions for La Carreta Restaurant,' as prepared by Merlo & Associates, Inc., dated stamped received 7/7/10 and consisting of 4 sheets."

The purpose of request #1 is to allow the applicant to submit a new site plan showing additional property improved with an existing free-standing building as well as a detached storage shed, storage room addition and cooler/freezer addition to a previously approved shopping center.

- (2) Applicant is requesting to permit a storage room addition to a commercial building setback varying from 2'6" to 5' (20' required) from the rear (south) property line.
- (3) Applicant is requesting to permit a cooler/freezer addition to a commercial building setback varying from 11' to 12' (20' required) from the rear (south) property line.
- (4) Applicant is requesting to permit a detached storage shed setback a minimum of 5'6" (20' required) from the rear (south) property line and spaced 3'6" (20' required) from the commercial building.
- (5) Applicant is requesting to permit a parking back out distance of 17' (22' required).
- (6) Applicant is requesting to permit 3 street trees (15 street trees required) along S.W. 88 Street (North Kendall Drive) right-of-way and 8 street trees (15 street trees required) along S.W. 89 Street right-of-way.
- (7) Applicant is requesting to permit a minimum of a 2' wide greenbelt strip (7' greenbelt strip required) along the front (north) property line along S.W. 88 Street (North Kendall Drive) right-of-way.

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "B" of BERKELY PLAZA, Plat Book 120, Page 22; LESS: That parcel of land lying in the NE ¼ of Section 1, Township 55 South, Range 39 East, being the north 16.8' of Tract "B"; of BERKELY PLAZA, Plat Book 120, Page 22; and being more particularly described as follows:

Begin at the northeast corner of said Tract "B"; thence run S85°40'16"W for a distance of 195.96' along the north boundary of said Tract "B" to a point on the W/ly boundary of said Tract "B" which is coincident with the most E/ly Limited Access Right of Way line of S. R. # 821, as shown on the Florida Department of Transportation Right of Way Map for § 87005-2307; thence S04°21'21"E for a distance of 16.8' along said Limited Access Right of Way line; thence N85°40'16"E for a distance of 195.96' along a line being 16.8' south of and parallel with the north boundary of said Tract "B", thence N04°22'08"W for a distance of 16.8' along the east boundary of said Tract "B" to the Point of Beginning. TOGETHER WITH THE FOLLOWING: A part of the Limited Access Right of Way of the Homestead Extension to the Florida Turnpike (S.R. 821), in the SE ¼ quadrant of the intersection with North Kendall Drive (S.R. 94), said parcel lying and being in the NE ¼ of Section 1, Township 55 South, Range 39 East, as shown on the Florida Department of Transportation Right of Way Map for Job No. 0705-2307 and being more particularly described as follows:

Commence at the northeast corner of said Section 1, thence run N87°41'05"W 408.45' along the north boundary of Section 1 (also the centerline of North Kendall Drive) to a point; thence S02°18'55"E 55' to a point; thence S02°20'32"E 16.8' along the Limited Access Right of Way line of S.R.#821 to the Point of Beginning of the parcel hereinafter described; thence continue S02°20'32"E 55' along said Limited Access Right of Way line to a point; thence S85°12'14"W 306.1' along the existing Limited Access Right of Way line to a point; thence N02°18'55"W 19.05' to a point; thence N63°17'54"E 82.35' to a point; thence N83°55'00"E 231.29' to the Point of Beginning. Less all the rights of access, egress, ingress, light, air and view from the above described parcel, over and across the following described line:

Commence at the northeast corner of the aforementioned Section 1; thence S87°41'05"W 408.45' along the north boundary of Section 1 (also the centerline of North Kendall Drive) to a point; thence S02°18'55"E 55' to the Point of beginning of the hereinafter described line; thence S02°20'32"E 16.8' to a point; thence S83°55'00"W 231.29' to a point; thence S63°17'54"W 82.35' to a point; thence S02°18'55"E 19.05' to a point on the existing Limited Access Right of Way line of the aforementioned S.R. #821 and the end of the line to be described.

LOCATION: 11740 through 11790 S.W. 88 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the request to permit 3 street trees along S.W. 88 Street (North Kendall Drive) right-of-way and 8 street trees along S.W. 89 Street right-of-way (Item #6), and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested Modification of Condition #2 of Resolution 4-ZAB-82-83, passed and adopted by the Zoning Appeals Board (Item #1) and the requests to permit a storage room addition to a commercial building setback varying from 2'6" to 5' from the rear (south) property line (Item #2), to permit a cooler/freezer addition to a commercial building setback varying from 11' to 12' from the rear (south) property line (Item #3), to permit a detached storage shed setback a minimum of 5'6" from the rear (south) property line and spaced 3'6" from the commercial building (Item #4), to permit a parking back out distance of 17' (Item #5), and to permit a minimum of a 2' wide greenbelt strip along the front (north) property line along S.W. 88 Street (North Kendall Drive) right-of-way (Item #7) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the requested withdrawal of Item #6 should be granted, and

WHEREAS, a motion to approve Item #1 under Section 33-311(A)(7), to approve Items #2 through 5 and 7 as non-use variances under Section 33-311(A)(4)(b), and to withdraw Item #6 was offered by Jose I. Valdes, seconded by Alberto Santana, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	aye	Alberto Santana	aye
Jorge Luis Garciga	aye	Jose I. Valdes	aye
		Angela Vazquez	aye
	Elliot N. Zack	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested Modification of Condition #2 of Resolution 4-ZAB-82-83, passed and adopted by the Zoning Appeals Board (Item #1) be and the same is hereby approved under Section 33-311(A)(7), and that the requests to permit a storage room addition to a commercial building setback varying from 2'6" to 5' from the rear (south) property line (Item #2), to permit a cooler/freezer addition to a commercial building setback varying from 11' to 12' from the rear (south) property line (Item #3), to permit a detached storage shed setback a minimum of 5'6" from the rear (south) property line and spaced 3'6" from the commercial building (Item #4), to permit a parking back out distance of 17' (Item #5), and to permit a minimum of a 2' wide greenbelt strip along the front (north) property line along S.W. 88 Street (North Kendall Drive) right-of-way (Item #7) be and the same are hereby approved, with Items #1, 2 through 5 and Item #7 subject to the following conditions:

1. That all the conditions of Resolution #4-ZAB-82-83 remain in full force and effect except as herein modified.
- ✓ 2. That the applicant provide the required amount of street trees along SW 88 Street (North Kendall Drive) and SW 89 Street rights-of-way at the time of permitting.
3. That the canopy attached to the free-standing commercial building fronting on SW 88 Street be removed prior to permitting.
- ✓ 4. That the applicant apply for a building permit for the storage room and cooler/freezer additions and detached storage shed from the Building Department within 90 days after final public hearing approval of this application.
- ✓ 5. That the applicant obtain written waivers from the affected utility companies for the storage room addition and detached storage shed located within the easement area prior to building permit issuance.

BE IT FURTHER RESOLVED that the requested modification of Condition #2 of Resolution 4-ZAB-82-83, passed and adopted by the Zoning Appeals Board (Item #1), shall read as follows:

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Accessory Building Additions for La Carreta Restaurant,' as prepared by Merlo & Associates, Inc., dated stamped received 7/7/10 and consisting of 4 sheets.

BE IT FURTHER RESOLVED that the request to withdraw Item #6 be and the same is hereby granted and said Item is hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 18th day of January, 2011.

Hearing No. 11-11-CZ12-4
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 9TH DAY OF FEBRUARY, 2011.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-4-11 adopted by said Community Zoning Appeals Board at its meeting held on the 18th day of January, 2011.

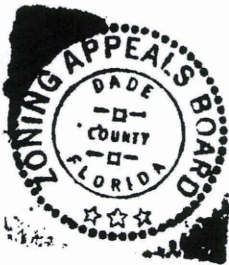
IN WITNESS WHEREOF, I have hereunto set my hand on this the 9th day of February, 2011.

Earl Jones

Earl Jones, Deputy Clerk (3230)

Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

February 9, 2011

miamidade.gov

LaCarreta Restaurant V, Inc.
c/o Jose Garrido
3663 SW 8 Street, PH
Miami, Florida 33135

Re: Hearing No. 11-11-CZ12-4
Location: 11740 through 11790 S.W. 88 Street,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. 02AB12-4-11, adopted by the by the Community Zoning Appeals Board 12 which approved Items #1 through 5 and 7 and withdrew Item #6 on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in duplicate before any detailed plans are prepared, in as much as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is February 9, 2011. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

R. A. Cordero, Jr.
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

Planning and Zoning

1987 SEP 18 32

87R361177

1-55

UNITY OF TITLE

OFF REC 13419 PG 775

WHEREAS, the undersigned is the owner of that property described as:

SEE ATTACHED EXHIBIT "A"

also known as KENDALL 117 SHOPPING CENTER
Dade County, Florida, and

The undersigned recognizes and acknowledges that for the public health, welfare, safety or morals, the herein-described property should not be divided into separate parcels owned by several owners so long as the same is put to the hereinafter use, and

In consideration of the issuance of a permit for the construction of a
free standing Dunkin Donuts Restaurant facility

11790 KENDALL DR.

and for other good and valuable considerations, the undersigned hereby agrees to restrict the use of the subject property in the following manner:

1. That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land.
2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land and shall remain in full force and effect and be binding upon the undersigned, their heirs and assigns until such time as the same may be released in writing by the Director of the Dade County Building and Zoning Department or the executive officer of the successor of such Department, or in the absence of such director or executive officer, by his assistant in charge of the office in his absence.

provided, however, that this Unity of Title may be released by the Director of the Dade County Building and Zoning Department, or the Executive Officer of the successor of such Department, after approval of a site plan and the recordation of a Declaration of Restrictive Covenants as required by Section 33-257(2) of the Code of Metropolitan Dade County, Florida, as the same may be amended from time to time.

Signed, sealed, executed and acknowledged on this 21st day of
April A.D., 1987, at Miami, Florida.

WITNESSES:

[Signature]
[Signature]

KENDALL 117, a Florida General
Partnership

BY JEFFREY L. BERKOWITZ,
a General Partner

STATE OF FLORIDA)

COUNTY OF DADE)

I HEREBY certify that on this 21st day of April
A.D. 19 87 before me personally appeared JEFFREY L. BERKOWITZ, as a
KENDALL 117, a Florida General Partnership, to me known to be the person described in and who executed the foregoing instrument and he acknowledged to me the execution thereof to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at Miami, in the
County and State aforesaid, the date and year last aforesaid.

This instrument prepared by:
JEFFREY L. BERKOWITZ
Suite 1000
2665 South Bayshore Drive
Cocoanut Grove, FL 33133

My Commission Expires:

[Signature]
Notary Public in and for the State
of Florida at Large

VERIFIED

By *[Signature]*

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES JAN. 1, 1991
ELECTED THRU GENERAL REG. INFO.

#70 - vp/7/8/82-33-257 (BU)

1500

EXHIBIT "A"

LEGAL DESCRIPTION

A part of the Limited Access Right of Way of the Homestead Extension to the Florida Turnpike (S.R. 821) in the Southeast quadrant of the intersection with North Kendall Drive (S.R. 94), said parcel lying and being in the Northeast 1/4 of Section 1, T-55-S, R-39-E, Dade County, Florida as shown on the Florida Department of Transportation Right of Way Map for Job No. 87005-2307 and being more particularly described as follows:

Commence at Northeast corner of said Section 1, thence run South 87°41'05" West 408.45 feet along the North boundary of Section 1 (also the center line of North Kendall Drive) to a point, thence South 02°18'55" East 55.00 feet to a point, thence South 02°20'32" East 16.80 feet along the Limited Access Right of Way line of State Road 821 to the POINT OF BEGINNING of the Parcel hereinafter described, thence continue South 02°20'32" East 55.00 feet along said Limited Access Right of Way line to a point, thence South 85°12'14" West 306.10 feet along the existing Limited Access Right of Way line to a point, thence North 02°18'55" West 19.05 feet to a point, thence North 63°17'54" East 82.35 feet to a point, thence North 83°55'00" East 231.29 feet to the POINT OF BEGINNING containing 14,676 square feet, more or less, LESS all the rights of access, egress, ingress, light, air and view from the above-described parcel, over and across the following described line:

Commence at the Northeast corner of the aforementioned Section 1, thence South 87°41'05" West 408.45 feet along the North boundary of Section 1 (also the centerline of North Kendall Drive) to a point, thence South 02°18'55" East 55.00 feet to the POINT OF BEGINNING of the hereinafter described line; thence South 02°20'32" East 16.80 feet to a point, thence South 83°55'00" West 231.29 feet to a point, thence South 63°17'54" West 82.35 feet to a point, thence South 02°18'55" East 19.05 feet to a point on the existing Limited Access Right of Way line of the aforementioned S.R. 821 and the end of the line to be described.

TOGETHER WITH:

Tract "B" of BERKELY PLAZA, according to the Plat thereof, recorded in Plat Book 120, at Page 22, of the Public Records of Dade County, Florida, LESS AND EXCEPT THEREFROM:

That parcel of land lying in the Northeast 1/4 of Section 1, Township 59 South, Range 39 East, Dade County, Florida, and the North 16.80 feet of Tract "B" of BERKELY PLAZA, according to the plat thereof, as recorded in Plat Book 120, at Page 22 of the Public Records of Dade County, Florida, more particularly described as follows:

BEGIN at the Northeast corner of said Tract "B"; thence run South 85°40'16" West for a distance of 195.96 feet along the North boundary of said Tract "B" to a point on the Westerly boundary of said Tract "B" which is coincident with the most Easterly Limited Access Right of Way Line of S.R. 821, as shown on the Florida Department of Transportation Right of Way Map for Job Number 87005-2307; thence South 04°21'08" East for a distance of 16.80 feet along said Limited Access Right of Way Line; thence North 85°40'16" East for a distance of 195.96 feet along a line being 16.80 feet South of and parallel with the North boundary of said Tract "B"; thence North 04°22'08" West for a distance of 16.80 feet along the East boundary of said Tract "B" to the POINT OF BEGINNING.

The undersigned, NCNB NATIONAL BANK OF Banking
Association, ~~Corporation~~, Mortgagee, under that certain

KENDALL 117, a Florida General
filed the day 27th of August, and recorded in
Official Records Book 12249, Page 12249, of the Public Records of
amended by O.R. Book 12249, Page 12249,
Dade County, Florida, in the original and

covering all/or a portion of the land described in the
foregoing agreement, do hereby acknowledge that this agreement are
and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been signed and sealed this 27th day of
August A.D., 19 87

RECORDED IN OFFICE OF RECORDS DEPT.
OF DADE COUNTY, FLORIDA
SEPTEMBER 1, 1987
RICHARD P. BRINKER
CLERK OF DISTRICT COURT

NOTARY PUBLIC OF FLORIDA
Laura C. Goldberg Association

INCORPORATION OF FLORIDA
Laura C. Goldberg
President
(SEAL)

STATE OF FLORIDA
COUNTY OF DADE

BEFORE ME, the undersigned authority, the undersigned, LAURA C. GOLDBERG and Asst. Vice
President and Assistant of the NCNB NATIONAL BANK
OF FLORIDA, a National Banking Association of the laws of the
State of Florida, and known by me to be the
be the persons described in and which executed the said instrument, the
said officers of the said Corporation being known by me to be the
officers thereof who, in their official capacity, executed, signed and delivered
deed of said Corporation, and the said officers of said
there severally acknowledged to and before me, acting in their said official
deed of said Corporation and in its name, and its Corporate Seal for the uses and purposes therein
authorized and directed.

WITNESS my hand and official Seal as Notary Public in and for the County of DADE in the County of DADE
and State aforesaid, on this, the 27th day of August
A.D. 19 87

My Commission expires:
Notary Public, State of Florida at Large
My Commission Expires Dec. 29, 1990

RESOLUTION NO. Z-84-85

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Barry D. Schreiber, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Barry D. Schreiber	aye
Clara Oesterle	aye	Sherman S. Winn	aye
Beverly B. Phillips	aye	Jorge (George) Valdes	aye
James F. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvin	aye		

WHEREAS, KENDALL 117, had applied for the following:

A district boundary change from GU (Interim) to BU-1A (Limited Business).

ON:

A part of the Limited Access Right-of-Way of the Homestead Extension to the Florida Turnpike (S.R. 821) in the Southeast quadrant of the intersection with North Kendall Drive (S.R. 94), said parcel lying and being in the NE 1/4 of Section 1, Township 55 South, Range 39 East, as shown on the Florida Department of Transportation Right-of-Way Map for Job No. 87005-2307 and being more particularly described as follows:

Commence at the Northeast corner of said Section 1, thence run S87°41'5"W 408.45' along the north boundary of Section 1 (also the centerline of North Kendall Drive) to a point, thence S2°18'55"E 55' to a point, thence S2°20'32"E 16.8' along the Limited Access Right-of-Way line of State Road 821 to the Point of beginning of the parcel herein after described, thence continue S2°20'32"E 55' along said Limited Access Right-of-Way line to a point, thence S85°12'14"W 306.1' along the existing Limited Access Right-of-Way line to a point, thence N2°18'55"W 19.05' to a point, thence N63°17'54"E 82.35' to a point, thence N83°55'E 231.29' to the Point of beginning, LESS all the rights of access, egress, ingress, light, air, and view from the above described parcel, over and across the following described line:

Commence at the Northeast corner of the aforementioned Section 1, thence S87°41'5"W 408.45' along the north boundary of Section 1 (also the centerline of North Kendall Drive) to a point, thence S2°18'55"E 55' to the Point of beginning of the hereinafter described line; thence S2°20'32"E 16.8' to a point, thence S83°55'W 231.29' to a point, thence S63°17'54"W 82.35' to a point, thence S2°18'55"E 19.05' to a point on the existing Limited Access Right-of-Way line of the aforementioned S.R. 821 and the end of the line to be described.

LOCATION: The Southeast corner of S.W. 88 Street (N. Kendall Drive) and the Homestead Extension of Florida's Turnpike (State Road #821),

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-1A would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to BU-1A be and the same is hereby approved and said property is hereby zoned accordingly, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That the use be established and maintained in accordance with the approved plan.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 4th day of April, 1985.

April, 1985
No. 85-4-CC-9
mr
April 17, 1985

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By _____
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners
on the 24th day of April 1985.

April 24, 1985

Kendall 117
c/o Mr. Berkowitz
3050 Biscayne Blvd., Suite 800
Miami, FL 33137

Re: Hearing No. 85-4-CC-9; The Southeast corner of S.W. 88 Street (N. Kendall Drive) and the Homestead Extension of Florida's Turnpike (State Road #821)

Gentlemen:

Enclosed, herewith, is a copy of Resolution No. Z-84-85, adopted by the Board of County Commissioners, which approved, subject to conditions, your requested district boundary change to BU-1A on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance, therewith, will be required.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this office in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

You are, hereby, advised that the decision of the Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the submission of the resolution to the Clerk of the County Commission. You are, further, advised that in the event that an appropriate appeal is timely filed in the Circuit Court, any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Very truly yours,

Chester C. Czebrinski
Assistant Director

CCC/mr

Enclosure

RESOLUTION NO. 4-ZAB-192-83

The following resolution was offered by Mr. Thomas A. Conger seconded by Mrs. Joyce Masso and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Margaret Nelson	aye
Peter Goldring	aye	Mary Jean Risi	absent
Levi A. Johnson	aye	Murray Sisselman	aye
Jose A. Losa	aye	R. Jollivette Frazier	aye
Joyce Masso	aye		

WHEREAS, KENDALL 117 has applied for the following:

NON-USE VARIANCE OF ZONING REGULATIONS requiring a 5' high masonry wall set in 10' from the rear of a business lot when said lot lies across the street from RU zoned property; to waive the required wall along the rear (south) property line.

Plans are on file and may be examined in the Zoning Department entitled "Kendall 117 Shopping Center", as prepared by Robin Bosco Architects & Planners, Inc., consisting of one sheet, dated revised 5-28-83.

SUBJECT PROPERTY: Tract B, BERKELEY PLAZA, Plat book 120, Page 22.

LOCATION: The south side of S.W. 88 Street (N. Kendall Drive), approximately 140' west of S.W. 117 Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested non-use variance would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board, that the requested Non-Use Variance of Zoning Regulations to waive the required 5' high masonry wall along the rear (south) property line be and the same is hereby approved subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Kendall 117 Shopping Center", prepared by Robin Bosco Architects & Planners, Inc. and dated 5-28-83.
3. That the applicant submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.
4. That the use be established and maintained in accordance with the approved plan.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 29th day of June, 1983.

Heard 6/29/83
Hearing No. 83-6-40
7/1/83 aa

July 6, 1983

Kendall 117
c/o Jeffrey L. Berkowitz, P.A.
3000 Executive Plaza
3050 Biscayne Boulevard, Suite 300
Miami, Florida 33137

Hearing No. 83-6-40; Section 1-55-39
Requested Non-Use Variance
Location: S side of SW 88 St. approx. 140' W of SW 117 Ave.

Dear Mr. Berkowitz:

Enclosed herewith is a copy of Resolution No. 4-ZAB-192-83, adopted by the Metropolitan Dade County Zoning Appeals Board, approving your application concerning the above subject matter.

Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. If there are any anticipated changes from the plan submitted for the hearing a plot use plan should be submitted to this office in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

You are hereby advised that the decision of the Zoning Appeals Board may be appealed by an aggrieved party (within 14 days) or by the Directors of the Dade County Building and Zoning Department and Planning Department (within 18 days), as is provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida; and that no permits can be issued until the appeal periods have expired, and only if no appeal has been filed. Application for necessary permits should be made with this Department. The deadline for an appeal by the applicant and/or an aggrieved party is Friday, July 15, 1983.

Very truly yours,

Chester C. Czebrinski
Assistant Director

CCC:aa

Enclosure

59

RESOLUTION NO. Z-24-81

The following resolution was offered by Commissioner William G. Oliver, seconded by Commissioner Beverly B. Phillips, and upon poll of members present the vote was as follows:

Barbara M. Carey	aye	Harvey Ruvin	aye
Clara Oesterle	aye	Barry D. Schreiber	aye
William G. Oliver	aye	Ruth Shack	absent
Beverly B. Phillips	aye	Stephen P. Clark	aye
James F. Redford, Jr.	aye		

WHEREAS, Summer Gerard, Trustee, had applied for the following:

- (1) A district boundary change from GU (Interim) to BU-2 (Special Business);
- (2) SPECIAL EXCEPTION to permit a night club.

Plans of the proposed night club are on file and may be examined in the Zoning Department entitled "Proposed Restaurant-Office Development" prepared by James E. Vensel Associates Inc., Architects and Planners, dated October 3, 1980.

SUBJECT PROPERTY: Lots 1 thru 30, Block 1, FAIRHAVEN, Plat book 1, Page 189, less the northern 25' of Lots 1 thru 15 of said Block 1, (Right-of-Way of North Kendall Drive), and less the following: Beginning at the intersection of the east line of Lot 10, and south Right-of-Way line of No. Kendall Drive, proceed south along the east line of Lot 10 for a distance of 71.80', continue thence S85°12'14"W for a distance of 252.23' to the west line of Lot 15, continue thence north on the west line of Lot 15 for a distance of 57.7', thence along an arc for a distance of 39.28' having a radius of 25' and intersecting the south Right-of-Way line of No. Kendall Drive, thence east along south Right-of-Way line of No. Kendall Drive for a distance of 226.99' to the Point of beginning.

LOCATION: The southwest corner of S.W. 117 Avenue and S.W. 88 Street (North Kendall Drive), Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant, by his representative, Jack Peeples, had withdrawn the request for the special exception for night club and had proffered a covenant restricting the use of the property for office building purposes (corporate use of Tony Roma) and specifically covenanteeing not to construct a restaurant on the property, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions, and that the proffered covenant should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to BU-2 be and the same is hereby approved and said property is hereby zoned accordingly, subject

to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That the use be established and maintained in accordance with the approved plan.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 5th day of February, 1981.

Heard January, 1981
No. 81-1-CC-12
vp
2/10/81

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By _____
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 11th day of February, 1981.

February 11, 1981

Sumner Gerard, Trustee
One Biscayne Tower - Suite 3636
Miami, Florida - 33131

Re: Hearing No. 81-1-CC-12; The SW corner of SW 117th Avenue and
SW 88th Street

Dear Sir:

Enclosed, herewith, is a copy of Resolution No. Z-24-81, adopted by the Board of County Commissioners, which approved your requested district boundary change to BU-2 on the above-described property, subject to conditions, and accepted your proffered covenant.

Please note the conditions under which said approval was granted, inasmuch as strict compliance, therewith, will be required.

You are, hereby, advised that the decision of the Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the submittal of the resolution to the Clerk of the County Commission. You are, further, advised that in the event that an appropriate appeal is timely filed in the Circuit Court, any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Very truly yours,

Chester C. Czebrinski
Assistant Director

CCC/vp

Enclosures